

**Before the
COPYRIGHT ROYALTY JUDGES
Washington, DC**



In re

**Distribution of 2013
Cable Royalty Funds**

Docket No. 14-CRB-0010-CD (2013)

Received

JUL 06 2015

Copyright Royalty Board

PETITION TO PARTICIPATE OF BMI AND ASCAP

Pursuant to 37 C.F.R. § 351.1(b)(2)(C)(ii) and in response to the June 1, 2015 notice of the Copyright Royalty Judges (“Judges”) published at 80 Fed. Reg. 32182 (June 5, 2015) (the “Notice”), Broadcast Music, Inc. (“BMI”) and the American Society of Composers, Authors and Publishers (“ASCAP”) submit this joint Petition to Participate in the Phase I and Phase II distribution proceeding for the 2013 cable royalty funds. BMI and ASCAP intend to participate fully in the proceedings.

BMI and ASCAP are performing rights societies, as defined in Section 101 of the Copyright Act,¹ that represent hundreds of thousands of composer, lyricist, songwriter and publisher members and affiliates with repertoires of millions of copyrighted musical works. On behalf of their members and affiliates, BMI and ASCAP license the public performance rights under section 106(4) of the Copyright Act. BMI and ASCAP are also each affiliated with over 90 foreign performing rights societies around the world and license the repertoires of those societies in the United States.

¹ Customarily, the three U.S. performing rights societies defined in Section 101, BMI, ASCAP and SESAC, Inc. (“SESAC”), together have been known as the “Music Claimants” and individually each a “Music Claimant Party.”

PHASE I

The Music Claimants have not reached a settlement with any other Phase I claimant group about the distribution of any portion of the 2013 cable royalty funds. Accordingly, a Phase I controversy exists regarding the distribution of the Music Claimant share of the 2013 cable royalty funds, and BMI and ASCAP jointly request to participate in the Phase I proceeding to determine the Music Claimant share of such funds.

As requested in the Notice, BMI and ASCAP set forth their claims to Section 111 royalties at issue in this proceeding as follows:

Claimant	Claim Year	Claim Number	Claim Type
Broadcast Music, Inc. (BMI)	2013	34	Joint claim
American Society of Composers, Authors and Publishers (ASCAP)	2013	554	Joint claim

BMI and ASCAP each have a significant interest in this distribution proceeding because they represent many thousands of copyright owners of musical works that were secondarily transmitted by cable systems throughout the 2013 time period. BMI and ASCAP (along with SESAC, Inc., the third US PRO), have participated and received a share of the funds, through settlement or award, in every Phase I cable royalty distribution proceeding since the enactment of the cable compulsory license in 1976, effective January 1, 1978.

PHASE II

As indicated in the January 21, 2015 Comments of ASCAP, BMI and SESAC on the Existence of Controversies filed in this docket, no Music Claimant Party has reached a settlement with the other Music Claimant Parties or any other claimant to music royalties about the distribution of the music portion of the 2013 cable royalty funds. Accordingly, a Phase II controversy regarding the distribution of such funds currently exists between each of BMI, ASCAP, and SESAC. BMI and ASCAP are unaware of any other Phase II controversies in the

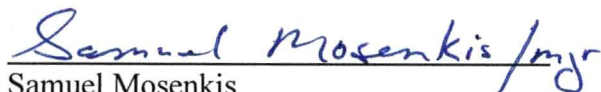
Music Claimant category. If an unanticipated Phase II claim to 2013 cable royalty funds is made in the Music Claimant category, a Phase II controversy would exist with regards to the claim filed by such party. BMI and ASCAP therefore request to participate in any such Phase II proceeding to determine the distribution of each Music Claimant Party's share.

CERTIFICATION AND PAYMENT

BMI and ASCAP hereby certify that they have the authority and consent to represent their members and affiliates in this distribution proceeding. Pursuant to 37 C.F.R. § 351.1(b)(4), a \$150 filing fee is enclosed with this petition in the form of a check to the Copyright Royalty Board.

Respectfully submitted,

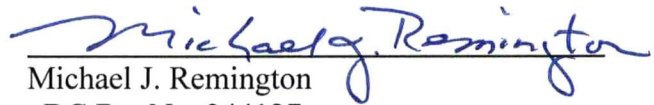
**AMERICAN SOCIETY OF COMPOSERS, BROADCAST MUSIC, INC.
AUTHORS AND PUBLISHERS**



Samuel Mosenkis
N.Y. # 2628915
Jackson Wagener
N.Y. # 4555819
ASCAP
One Lincoln Plaza
New York, NY 10023
Telephone: (212) 621-6450
Fax: (212) 787-1381
smosenkis@ascap.com
jwagener@ascap.com



Joseph J. DiMona
DC Bar No. 413159
BROADCAST MUSIC, INC.
7 World Trade Center
250 Greenwich Street
New York, NY 10007-0030
Telephone: (212) 220-3149
Fax: (212) 220-4456
jdimona@bmi.com



Michael J. Remington
DC Bar No. 344127

Jeffrey J. Lopez
DC Bar No. 453052

Jennifer T. Criss
DC Bar No. 981982

DRINKER BIDDLE & REATH LLP

1500 K Street, NW, Suite 1100

Washington, DC 20005

Telephone: (202) 842-8800

Fax: (202) 842-8465

michael.remington@dbr.com

jeffrey.lopez@dbr.com

jennifer.criss@dbr.com

Dated: July 6, 2015

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of July, 2015, a copy of the foregoing Petition to Participate of BMI and ASCAP was sent by FedEx overnight delivery to the following:

Brian D. Boydston
PICK & BOYDSTON LLP
10786 Le Conte Avenue
Los Angeles, CA 90024

John C. Beiter
SHACKELFORD, BOWEN, ZUMWALT &
HAYES, LLP
1014 16th Avenue South
Nashville, TN 37212

John I. Stewart, Jr.
Ann Mace
CROWELL & MORING LLP
1001 Pennsylvania Ave., NW
Washington, DC 20004-2595

Gregory O. Olaniran
Lucy Holmes Plovnick
Kimberley P. Nguyen
Whitney S. Nonnette
MITCHELL SILBERBERG & KNUPP LLP
1818 N Street, NW, 8th Floor
Washington, DC 20036

Robert Alan Garrett
Charles G. Curtis, Jr.
Michael Kientzle
ARNOLD & PORTER LLP
555 Twelfth Street, NW
Washington, DC 20004-1206

Philip R. Hochberg
LAW OFFICES OF PHILIP R. HOCHBERG
12505 Park Potomac Avenue
Sixth Floor
Potomac, MD 20854

Iain R. McPhie
Ritchie T. Thomas
SQUIRE PATTON BOGGS (US) LLP
1200 19th Street, NW, Suite 300
Washington, DC 20036

Gregory A. Lewis
Jonathan D. Hart
NATIONAL PUBLIC RADIO, INC.
1111 North Capitol Street, NE
Washington, DC 20002

L. Kendall Satterfield
Eugene J. Benick
FINKELSTEIN THOMPSON LLP
1077 30th Street, NW, Suite 150
Washington, DC 20007

Victor J. Cosentino
LARSON & GASTON, LLP
200 S. Los Robles Ave., Suite 530
Pasadena, CA 91101


Ronald G. Dove, Jr.
Lindsey L. Tonsager
Dustin Cho
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001-4956

Marc Mangum
PUBLIC BROADCASTING SERVICE
2100 Crystal Drive
Arlington, VA 22202-3785

Arnold P. Lutzker
Benjamin Sternberg
Jeanette M. Carmadella
LUTZKER & LUTZKER LLP
1233 20th Street, NW, Suite 703
Washington, DC 20036

Edward S. Hammerman
HAMMERMAN PLLC
5335 Wisconsin Avenue, NW, Suite 440
Washington, DC 20015-2052

Clifford M. Harrington
Matthew J. MacLean
Victoria N. Lynch
PILLSBURY WINTHROP SHAW
PITTMAN LLP
1200 Seventeenth Street, NW
Washington, DC 20036-3006



Jennifer T. Criss

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BMI & ASCAP
DRINKER BIDDLE & REATH LLP
ONE LOGAN SQUARE, STE. 2000
PHILADELPHIA, PA 19103-6996

CITIZENS BANK
1735 MARKET STREET
PHILADELPHIA, PA

NO. 2020291

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